



City of
Lawrence
Indiana

Address: 9559 Pendleton Pike, Parcel 4046066
Docket # 24 LSV 02
Hearing Date: June 18, 2024 ~ **December 17, 2024**
Council District # 4 ~ Carlos Jennings

Petitioner: Irvington Group, Inc
8721 Shetland Ln
Indianapolis, IN 46278

Agent: Daniel Kozlowski
dtkozlowski@comcast.net
317-431-6305

Owner: Pendleton Pike Developers, LLC
6642 41st St
Sarasota, FL 34243
tedkleinmaier@gmail.com
317-842-6070

Application:

The Petition heard in June was approved by the BZA. It was later determined that the property does NOT have a C7 zoning which is required for this type of business. To make sure there are no future issues the petitioner has requested Administrative Approval to ensure transparency.

Variance of Development Standards of the City of Indianapolis Zoning and Subdivision Ordinance Chapter 744, Article IV, Section 04D6a4 to allow crushed/compacted gravel as a permanent surface over the entire site to the north of the pond.

Proposal:

The petitioner seeks to use the entire lot for Landscaping, Grounds Maintenance and Nursery Operation for commercial (off-site) customers. No retail operations are proposed currently.

The petitioner intends to construct two buildings on the site. One being an office building of not greater than 900 square feet, immediately behind the Marathon Gas Station, within the proper set-back requirements. The other building, a pole barn, is planned for future development and will be constructed immediately to the south of the office building, also within set-back requirements.

The office building is proposed to be a mobile home permanently attached to a block foundation and modified to be an office with electricity, water/sewer and HVAC. The pole barn is to be one story and will be used for light assembly and will not be heated.

The pond area will be used as a Nursery for plants, shrubs, bushes, trees and aquatic groundcover. The remainder of the site will include storage of company autos, trucks, trailers



and mulch/stone/dirt in concrete bins. The site will be completely fenced with 6' chain link with opaque slates.

The only ingress/egress will be across the existing and shared curb cut onto Pendleton Pike between the Dollar General and Marathon Station.

Analysis:

This property is irregularly shaped 1.33 acres of undeveloped area with access from Pendleton Pike.

Gravel is permitted for one year. After one year, the parking area must provide a durable and dust free surface

Opinion:

It is the opinion of this review that the Petition for Variance of Development Standards meets the Findings of Fact.

Recommendation:

It is our recommendation that this variance be approved.

Keith Johnson, Director of Redevelopment and Economic Development

Summary of the Subject Property Zoning Standards

Current Zoning Designation:	C4, C7 and D2
Surrounding Property Zoning	
North:	C4
South:	D11
East:	C7
West:	C4
Comprehensive Plan Land Use Designation:	Community Commercial
Current Land Use:	Undeveloped
Compact Context Area:	Metro
Relevant Code Sections:	Table 743-1

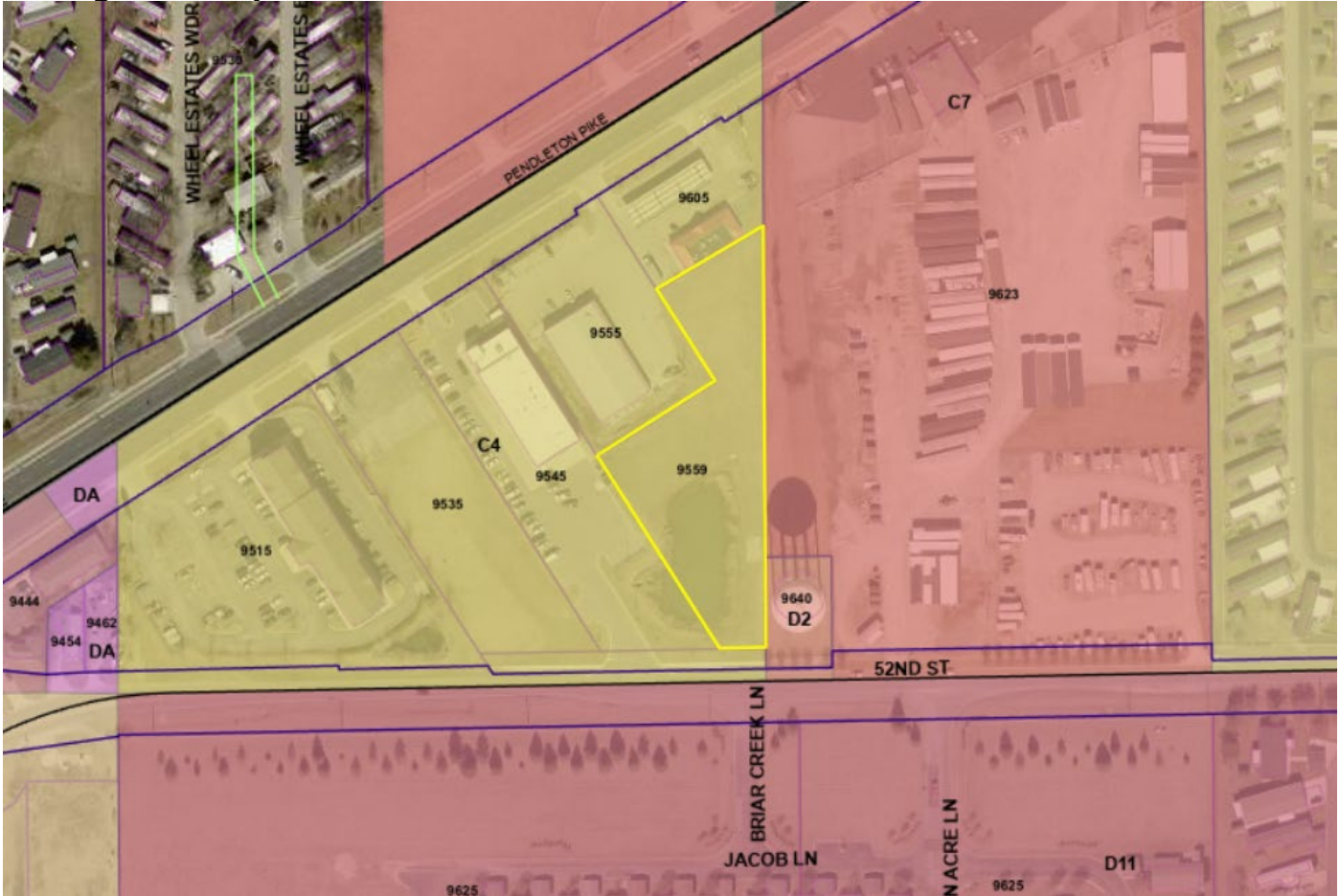


Aerial:



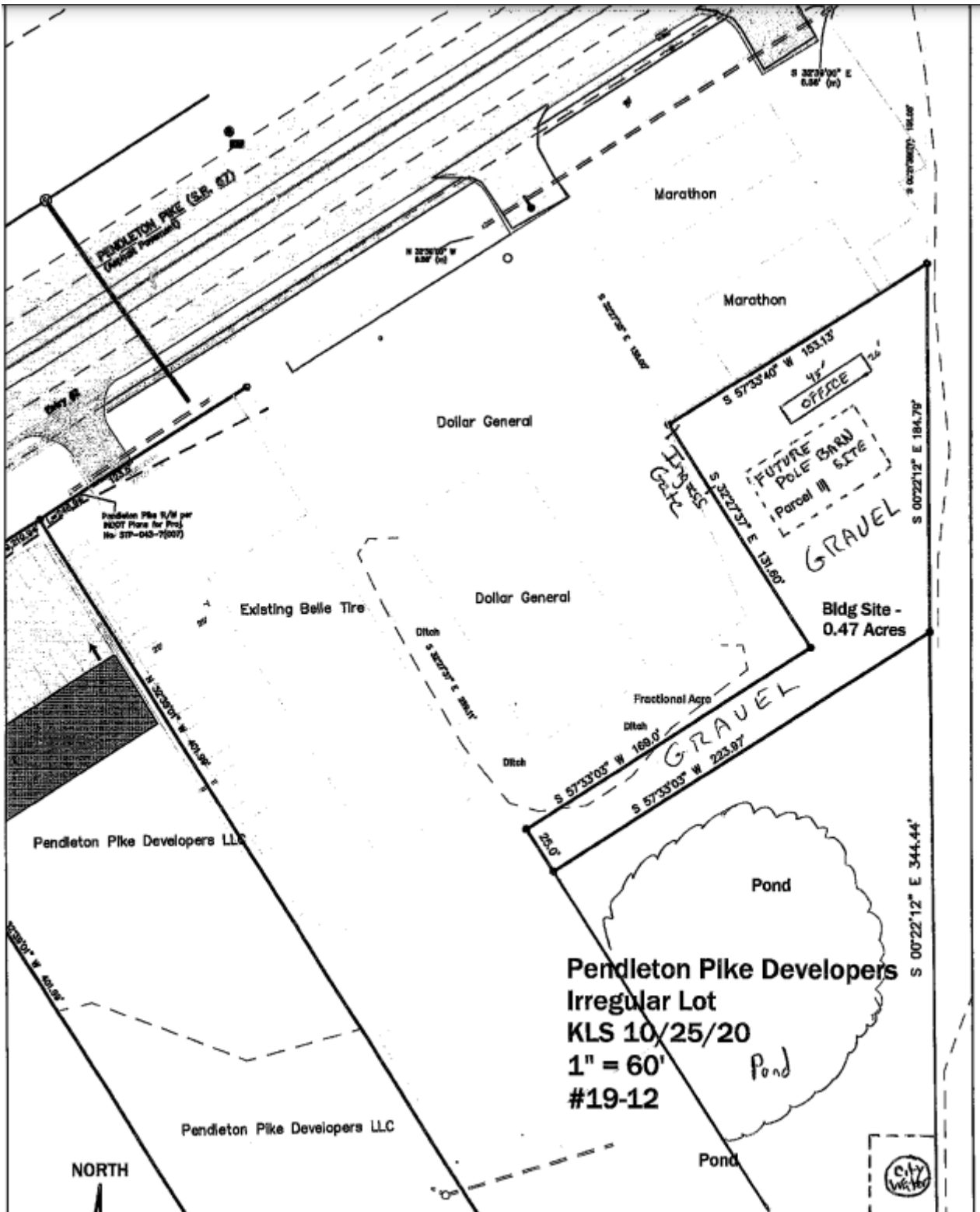


Zoning Base Map:





Site Plan:





Findings of Fact (as provided by applicant):

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE COMMUNITY BECAUSE:

1) The proposed use will not involve any noxious substances, noise or excessive vehicle traffic, nor attract anyone posing a threat or risk to the community.

2. THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE:

2) The proposed changes are similar and compatible with the surrounding uses and the property's location is tucked back off of Pendleton Pike and will be fenced and screened from view.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE

3) The current C-4 zoning will not allow for the most efficient use of the property as proposed. Strict application of the existing zoning would pose an unfair burden and restriction on the Petitioner.